



DOCKET NO.: P0762.70000US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allan Rush et al.  
Serial No.: 10/780112  
Confirmation No.: 6498  
Filed: February 17, 2004  
For: ENERGY MANAGEMENT SYSTEM

Examiner: K. E. Campbell  
Art Unit: 3618

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24<sup>th</sup> day of August, 2006.

  
Paula K. Fairweather

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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08/29/2006 MGE BREM1 00000037 10780112

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following are remarks concerning the other information cited: U.S. Patent Application No. 4,329,696 corresponds to European Application No. EP 0 044 751 and is believed to explain the relevance. U.S. Patent Application No. 4,731,997 corresponds to German Application No. DE 36 19 639 and is believed to explain the relevance.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

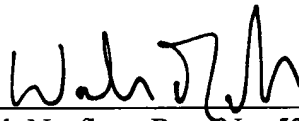
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

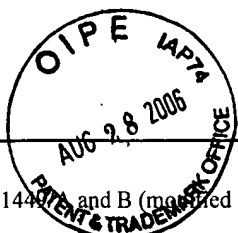
An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
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Docket No.: P0762.70000US01  
Date: August 24, 2006  
x08/24/06x



FORM PTO-1449 and B (modified PTO/SB/08)

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

APPLICATION NO.: 10/780112      ATTY. DOCKET NO.: P0762.70000US01  
 FILING DATE: February 17, 2004      CONFIRMATION NO.: 6498  
 APPLICANT: Allan Rush et al.  
 GROUP ART UNIT: 3618      EXAMINER: K. E. Campbell

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## **U.S. PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		3,106,057		E. V. Manning et al.	10/08/1963
		3,418,941		D. F. Mowbray	12/31/1968
		3,620,130		R. W. Roberts	11/16/1971
		3,682,044		Ankeny et al.	08/08/1972
		3,810,419		Smith	05/14/1974
		3,903,696		Carman	09/09/1975
		4,098,144		Besel et al.	07/04/1978
		4,100,815		Kemper	07/18/1978
		4,242,922		Baudoin	01/06/1981
		4,246,978		Schulz et al.	01/27/1981
		4,329,696		Denlinger et al.	05/11/1982
		4,350,220		Carman	09/21/1982
		4,490,086		Lück	12/25/1984
		4,644,018		Bowditch et al.	02/17/1987
		4,731,997		Hagin	03/22/1988
		4,741,410		Tunmore	05/03/1988
		4,760,697		Heggie et al.	08/02/1988
		4,813,510		Lexen	03/21/1989
		4,896,585		Forster	01/30/1990
		4,911,063		Kawahara et al.	03/27/1990
		4,916,901		Hayashi et al.	04/17/1990
		4,945,817		Scholl	08/07/1990
		4,993,780		Tanaka et al.	02/19/1991
		5,094,145		Wakabayashi et al.	03/10/1992
		5,251,536		Engel	10/12/1993
		5,495,912		Gray, Jr. et al.	03/05/1996
		5,505,527		Gray, Jr. et al.	04/09/1996
		5,579,640		Gray, Jr. et al.	12/03/1996
		5,579,868		Pelto-Huikko	12/03/1996
		5,630,707		Kim et al.	05/20/1997
		5,647,266		Claas	07/15/1997
		5,794,515		Bethke	08/18/1998
		5,794,734		Fahl et al.	08/18/1998
		5,887,674		Gray Jr.	03/30/1999

EXAMINER:

DATE CONSIDERED:

<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/780112		ATTY. DOCKET NO.: P0762.70000US01	
				FILING DATE: February 17, 2004		CONFIRMATION NO.: 6498	
				APPLICANT: Allan Rush et al.			
				GROUP ART UNIT: 3618		EXAMINER: K. E. Campbell	
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#### U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		6,112,639		Kimura et al.	09/05/2000
		6,158,969		Graf et al.	12/12/2000
		6,220,144	B1	Manring et al.	04/24/2001

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		DE	29 41 501	A1	M.A.N. Maschinenfabrik Augsburg-Nurnberg AG	04/23/1981	(Abstract)
		DE	33 03 448	A1	Le Moteur Moderne	08/25/1983	(Abstract)
		DE	35 18 434	A1	Mannesmann Rexroth GmbH	11/27/1986	(Abstract)
		DE	36 19 639	A1	MAN Nutzfahrzeuge GmbH	12/17/1987	
		DE	41 02 929	A1	MAN Nutzfahrzeuge AG	08/06/1992	(Abstract)
		DE	197 20 381	A1	Daimler-Benz Aktiengesellschaft	11/19/1998	(Abstract)
		EP	0 044 751	A3	The Mead Corporation	01/27/1982	
		EP	0 240 538	B1	Hugosson	10/14/1987	(Abstract)
		EP	0 249 002	A1	MAN Nutzfahrzeuge GmbH	12/16/1987	(Abstract)
		GB	2 117 063	A	Sundstrand Corporation	10/05/1983	
		JP	362039327	A	Mitsubishi Motors Corporation	02/20/1987	(Abstract)
		JP	404055129	A	Nissan Motor Co. LTD	02/21/1992	(Abstract)
		JP	044241777	A	Toyota Autom Loom Works LTD>	08/28/1992	(Abstract)
		JP	406001212	A	Mitsubishi Motors Corporation	01/11/1994	(Abstract)
		JP	406001213	A	Mitsubishi Motors Corporation	01/11/1994	(Abstract)
		JP	406008806	A	Mitsubishi Motors Corporation	01/18/1994	(Abstract)

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER:	DATE CONSIDERED:
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# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]